IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13973 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KETANBHAI ARVINDBHAI PATEL - Petitioner(s)
Versus
THE DEPUTY COLLECTOR & 2 - Respondent(s)

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Appearance :
MR RAJESH K SHAH for Petitioner(s) : 1,MR ASHVIN J POPAT for Petitioner(s) : 1,
MS.NISHA PARIKH AGP for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 28/06/2007

ORAL JUDGMENT

The petitioner has, invoking Articles 14,19 and 226 of the Constitution, sought to challenge the order in Appeal No.281 of 2002 communicated

vide communication dated 08.04.2006 through Deputy Collector, Stamp Duty, City Division – I, Rajkot whereby, appeal of the petitioner was dismissed only on the ground of limitation. It was conceded by learned A.G.P., appearing for the respondents, that the appeal was in fact filed within time and not barred by the period of limitation. Therefore, in short, the appeal of the petitioner was required to be entertained on merits. Therefore, without entering into other contentions of the petition, the petition is allowed to the extent that the aforesaid impugned order dated 08.04.2006 is set aside with a direction to the appellate authority, respondent No.2, to hear the appeal of the petitioner on merits and decide the same in accordance with law as expeditiously as practicable. Rule is made absolute accordingly with no order as to costs. Direct service is permitted.

(D.H.WAGHELA, J.)

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